

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**HENRY NARANJO and  
MARLENE RAMIREZ**

**CASE NO.: 00-6022-CIV-LENARD  
JUDGE: WILLIAM C. TURNOFF**

**Plaintiffs,**

**v.**

**STEPHEN BYRON SMITH, and  
PALMER JOHNSON, INC.**

**Defendants,**

**PALMER JOHNSON, INC.**

**Third Party Plaintiff,**

**v.**

**TOM FEXAS YACHT DESIGN, INC.**

**Defendant.**

01 OCT -5 PM 3:03  
CLERK OF U.S. DIST. CT.  
S.D. OF FLA - MIA

**TOM FEXAS YACHT DESIGN, INC'S MOTION  
FOR CONTINUANCE OF SETTLEMENT CONFERENCE**

Tom Fexas Yacht Design, Inc., (Fexas) third party defendant, moves the Court for an order continuing the Settlement Conference in the above-styled case from October 18, 2001 on the following grounds:

1. The undersigned is lead counsel in the case of Weaver v. Jones, Nineteenth Judicial Circuit Case No.: 00-497-CA which is set for trial on October 18, 2001 before Judge Ben L. Bryan, Jr. in Stuart, Martin County, Florida. The trial date is set pursuant to an Order of the Court dated September 26, 2001. (Exhibit A) (This

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case has been rolled over from several dockets beginning in March of 2001. It was initially scheduled for the March 5, 2001 through June 8, 2001 docket. By the order dated May 16, 2001 it was rolled over to the July through August, 2001 docket and placed on 48 hour notice. At the August 20, 2001 docket call it was ordered to be heard as the first case on October 3, 2001 with an alternate date of October 18, 2001.

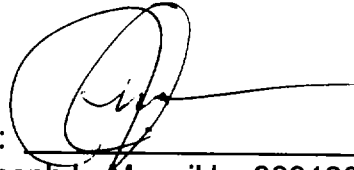
2. On September 26, 2001 it was ordered heard on October 18, 2001.
3. On the same date of September 26, 2001 Judge William C. Turnoff rescheduled the Settlement Conference in the above-styled case for October 18, 2001 at 2:00 p.m. in Miami, Dade County, Florida. (Exhibit B)
4. The above-styled case is presently scheduled for trial on the two-week trial docket of Judge Joan A. Leonard commencing on November 12, 2001 with a Pretrial Conference scheduled for October 25, 2001.

WHEREFORE, Fexas requests an order continuing the date of the Settlement Conference to a date prior to October 25, 2001.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 3rd day of October, 2001 to **Laurence F. Valle, Esquire**, **Frank J. Sioli, Esquire**, Valle & Craig, P.A. at 9155 South Dadeland Boulevard, Suite 1000, Dadeland Centre, Miami, Florida 33156, to **Manuel Valdes, Esquire**, Law Offices of John W. Burke, P.A. at Suite 330, Ocean Bank Building 782 N.W. 42<sup>nd</sup> Avenue Miami, FL 33126, **David Weber, Esquire** and the **Pinkert Law Firm, LLP**, 454 Kentucky Street, Sturgeon Bay, Wisconsin, 54235 - 0089 and **John D. Kallen**, Badiak, Will & Kallen, 17071 West Dixie Highway, North Miami Beach, Florida 33160.

**MANNIKKO & BARIS**

A handwritten signature in black ink, appearing to read 'J. Mannikko', is written over a horizontal line.

By: \_\_\_\_\_

Joseph L. Mannikko 383120  
Counsel for Tom Fexas Yacht Design, Inc.  
870 SW Martin Downs Blvd., Suite 1  
Palm City, Florida 34990  
(561) 283-0084  
(561) 283-1084 facsimile

F:\FEXAS\Mot Continue Settlement Conf.wpd

## **EXHIBIT A**

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR MARTIN COUNTY, FLORIDA

MAHLON G. WEAVER and  
ESTHER N. WEAVER,

CASE NO.: 00-497-CA  
JUDGE: Bryan

Plaintiffs,  
vs.

JIM W. JONES and BONITA  
L. JONES,

Defendants.

ORDER ON MOTION FOR CONTINUANCE

This matter came on to be heard before this Court on Defendants' Motion for Continuance, and the Court being advised that Plaintiffs do not oppose this motion, having heard argument of counsel, and being fully apprized in the premises, it is hereby:

ORDERED AND ADJUDGED:

1. The Motion for Continuance is granted.
2. \_\_\_\_\_
3. Case will be heard on Oct 18 as scheduled

DONE AND ORDERED this 26 day of Sept,  
2001, in Stuart, Martin County, Florida.

Ben L. Bryan, Jr.  
Ben L. Bryan, Jr.

Copies to:  
Joseph L. Mannikko, Esq. Mannikko & Baris, 870 SW Martin Down Boulevard, Suite 1, Palm City,  
Florida 34990.  
Leif J. Grazi, Esq., P.O. Drawer 2846, Stuart, Florida 34995

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**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
MARTIN COUNTY, FLORIDA**

**Ben L. Bryan Jr., Circuit Judge**

**8/20/01**

100 East Ocean Blvd., Suite 263

Stuart, Florida 34994

**Trial Period: September 24 - December 21, 2001**

**(cases set through January 2, 2002)**

**TRIAL SCHEDULE - CIVIL DIVISION**

**PLACE: Courtroom "A", 2<sup>nd</sup> Floor  
Martin County Courthouse  
100 East Ocean Boulevard  
Stuart, Florida 34994**

**ALL COUNSEL (AND ANYONE NEEDED FOR JURY SELECTION) ARE TO BE PRESENT ON THE DAY THEIR CASE IS SCHEDULED, WHETHER IT BE THE #1 CASE OR A BACKUP CASE. WITNESSES FOR BACKUP CASES SHOULD BE AVAILABLE AT 1:30 P.M. ON THAT DATE.**

**A CASE NOT TRIED ON ITS SCHEDULED DATE IS RESCHEDULED FOR THE DOCKET CALL ON DECEMBER 3, 2001 AT 9:00 A.M. (Jury) OR 10:30 A.M. (Non-Jury). COUNSEL WILL BE PRESENT WITH CALENDARS. CASES SPECIALLY SET HEREIN FOR DATES SUBSEQUENT TO DECEMBER 3 ARE NOT REQUIRED TO ATTEND THE DECEMBER 3 DOCKET CALL.**

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**Monday, September 24, 2001\***

**9:00 a.m., #1 on Docket:**

99-393 CA      Rubio vs Joynes et al  
(4 days)      JURY

RUBIO, pro se  
BELL

**9:00 a.m., #2 on Docket:**

00-100 CA      McIlvain vs Prudential  
(4 days)      JURY

GOLDSTEIN  
ANDERSON/HAGAN

**9:00 a.m., #3 on Docket:**

00-235 CA      Moore vs Ardizzzone et al  
(4 - 5 days)      JURY

LEWIS  
RICHARDS

**9:00 a.m., #4 on Docket:**

98-880 CA      Nehme vs Colkitt et al  
(10 days)      JURY

PONSOLDT  
COATES  
OLSEN / KONOLIGE

**9:00 a.m., #5 on Docket:**

99-458 CA      Dubois vs Stephens et al  
(5 - 8 days)      JURY

STONE  
CRAIG

**Monday, October 1, 2001\***

**9:00 a.m., #1 on docket:**

99-068 CAR

Re: Commitment of Joseph Warren  
(4 days) JURY

NELSON, ASA  
HEATHERINGTON, APD

**9:00 a.m., #2 on docket:**

00-211 CA

Greene vs C & D Contractors et al  
(7 days) JURY

BOWDISH  
WACKEEN

**9:00 a.m., #3 on docket:**

99-485 CA

Coulter vs Nationwide  
(4 days) JURY

BARIS  
COLOWICH

Settled

**Wednesday, October 3, 2001**

**9:30 a.m., #1 on docket: (alternative date: 10/18/01)**

00-497 CA

Weaver vs Jones  
(1 ½ days) NONJURY

BARIS  
GRAZI

**9:30 a.m., #2 on docket:**

00-587 CA

AAA Triple "S" vs Ambrose  
(2 days) NONJURY

DAVID  
HARVEY

**Monday, October 8, 2001**

**9:00 a.m.:**

99-492 CA

Donlon, Trustee vs Meyer  
(1 day) NONJURY

McCLUSKEY  
SIEGEL

**Monday, October 15, 2001**

**9:00 a.m., #1 on Docket:**

99-723 CA

Morgan vs Baskin et al  
(7 - 8 days) JURY

FRIEDLAND  
BURT  
WARREN

**9:00 a.m., #2 on Docket:**

00-355 CA

Eastwood vs Eden Park  
(7 - 10 days) JURY

CUMMINGS  
VANDENBERG

**9:00 a.m., #3 on docket:**

01-001 CA

Kennedy, as PR vs Eden Park  
(7 - 10 days) JURY

WARNER  
VANDENBERG

**9:00 a.m., #4 on docket:**

00-737 CA	Levine vs E. Fla. Eye Institute (3 - 4 days) NONJURY	LOREN GRAZI
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**Wednesday, October 17, 2001**

**9:30 a.m.:**

00-193 CA	Balady Intl. Trade vs Diamond Embroidery (1 day) NONJURY	COPELAND GIANINO
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**Thursday, October 18, 2001**

**9:30 a.m.: (if not heard on 10/3/01):**

00-497 CA	Weaver vs Jones (1 ½ days) NONJURY	BARIS GRAZI
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**Friday, October 19, 2001**

**9:30 a.m.:**

99-317 CA	First Union vs Kohlhepp (1 day) NONJURY	RUBIN BONFIGLIO
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**Monday, October 22, 2001**

**#1: Possible carryover from last week: Morgan vs Baskin. If not:**

**#2: Possible carryover from last week: Eastwood vs Eden Park. If not:**

**#3: Possible carryover from last week: Kennedy vs Eden Park. If not:**

**9:00 a.m., #1 on docket:**

00-472 CA	Waldbauer vs Regency Realty et al (3 - 4 days) JURY	SOBEL VOCELLE HOECKER
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**9:00 a.m., #2 on docket:**

98-896 CA	Luque vs Bush (4 days) JURY	FELDMAN HAGAN
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**9:00 a.m., #3 on docket:**

00-538 CA	Heenan vs Harbach (3 - 4 days) JURY	PETERSON COSBY
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**Thursday, October 25, 2001**

**1:30 p.m.:** (case to be completed on Friday, October 26, at 1:30 p.m.)

98-748 CA	<b>Fennell vs Whitehead et al</b>	<b>PONSOLDT</b>
	(1 day) <b>NONJURY</b>	<b>McINTYRE</b>

**Monday, October 29, 2001\***

**9:00 a.m., #1 on docket:**

99-834 CA	<b>Steger &amp; Steger vs Richard Scott Doss</b>	<b>NEGRON</b>
	(2 - 3 days) <b>JURY</b>	<b>DOSS, pro se</b>

**9:00 a.m., #2 on docket:**

99-869 CA	<b>Graci vs Sherman et al</b>	<b>RUBIN</b>
	(4 days) <b>JURY</b>	<b>COLOWICH</b>

12/3  
Docket Call

**9:00 a.m., #3 on docket:**

00-386 CA	<b>Davidson vs Hataway et al</b>	<b>CRARY</b>
	(2 ½ - 3 days) <b>JURY</b>	<b>LANIER</b>
		<b>GOODRICH</b>

**9:00 a.m., #4 on docket:**

00-603 CA	<b>Keeler vs Correctional Physician Sves. et al</b>	<b>BENRUBI</b>
	(5 days) <b>JURY</b>	<b>SISTARE</b>
		<b>DIAZ/FIGUEROA</b>

**9:00 a.m., #5 on docket:**

00-701 CA	<b>Kirkell vs Collins Moving &amp; Storage</b>	<b>GREENSPAN</b>
	(5 days) <b>JURY</b>	<b>STEVENS</b>

**9:00 a.m., #6 on docket:**

00-742 CA	<b>Kopp vs Rodriguez et al</b>	<b>SOBEL</b>
	(4 days) <b>JURY</b>	<b>BRANNAN</b>
		<b>RODRIGUEZ, pro se</b>

**9:00 a.m., #7 on docket:**

00-469 CA	<b>Martin County vs Melrose et al</b>	<b>GOLIS</b>
	(4 - 5 days) <b>JURY</b>	<b>RUBIN</b>

**Thursday, November 1, 2001**

**9:30 a.m., #1 on docket:**

99-583 CA	<b>Alex vs SPS Commercial Center</b>	<b>KOEBE</b>
	(3 days) <b>NONJURY</b>	<b>GRAZI</b>

**9:30 a.m., #2 on docket:**

01-293 CA	Marketing Special vs Osprey Marketing (2 days) NONJURY	McCANN ELDER
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**Thursday, November 6, 2001**

**1:30 p.m.:**

00-778 CA	Young vs Woodlawn Park (½+ day) NONJURY	PONSOLDT GOSNELL McCANN
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**Tuesday, November 13, 2001\***

**9:30 a.m., #1 on docket:**

98-718 CA	Patriot Farms vs Nofsinger et al (7 days) JURY	RICHMAN GRAZI
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**9:30 a.m., #2 on docket:**

00-327 CA	Navarro vs Rollins Leasing et al (4 days) JURY	CERVANTES KELLER
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**9:30 a.m., #3 on docket:**

97-400 CA	Young vs T.M. Enterprises, et al (5 - 7 days) JURY	WATSON DAVIS
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**9:30 a.m., #4 on docket:**

99-324 CA	Saunders vs Kimmel et al (3 - 4 days) JURY	VOCELLE MANNIKKO JONES, pro se
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**9:30 a.m., #5 on docket:**

99-367 CA	Rhodes vs Town of Sewall's Point et al (5 days) JURY	SHERLOCK PIPER
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**9:30 a.m., #6 on docket:**

00-353 CA	Helle vs First Natl. vs Lovvorn et al (3 - 3 ½ days) JURY	GALANTE PERRY
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**9:30 a.m., #7 on docket:**

00-770 CA	Irvine vs Blair et al (4 days) JURY	NEGRON VAN KEUREN BROWN/SINGER
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**9:30 a.m., #8 on docket:**

00-923 CA	Kissling vs Sea (3 days) JURY	MELVILLE VAN KEUREN
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**9:30 a.m., #9 on docket:**

01-122 CA	Burns vs Rubino et al (4 - 5 days) JURY	SMITH JOHNSON DUNDAS
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**Thursday, November 15, 2001**

**9:30 a.m.:**

00-455 CA	Aaronson vs Zangre et al (2 days) NONJURY	LEVENSTEIN ELDER SCHLICHTING
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**Monday, November 19, 2001\***

**#1: Possible carryover from last week, re: Patriot Farms vs Nofsinger. If not:**

**#2: Possible carryover from last week, re: Young vs T.M. Enterprises. If not:**

**9:00 a.m., #1 on docket: (may start Tues., 11/20)**

99-684 CA	Taylor vs McDowell (2 days) JURY	BEATTY HAYSKAR
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**9:00 a.m., #2 on docket:**

00-023 CA	Bush vs Jones (2 ½ days) JURY	BARIS GRAZI
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**9:00 a.m., #3 on docket:**

00-370 CA	Heron vs Torrence (3 days) JURY	LARSEN VAN KEUREN
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**9:00 a.m., #4 on docket:**

00-458 CA	Re: Forfeiture of 1994 Nissan (1 day) JURY	BODNER, AAG BOHNER-SIKET, pro se
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**9:00 a.m., #5 on docket: (alternative date: Tues., 11/20)**

00-802 CA	Fire & Casualty vs Genova Truck et al (3 days) JURY	MOSES PONSOLDT / SORENSON KNIGHT / GARCIA HAYSKAR / McMANUS
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**Monday, November 26, 2001\***

**9:00 a.m., #1 on docket:**

97-880 CA	Carlson vs Hanson et al (3 - 4 days) JURY	MOSKOWITZ SOBEL / COSBY HAYSKAR
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**9:00 a.m., #2 on docket:**

98-264 CA	T.S. vs Schwartz et al ( 5 days) JURY	BRANDT / LESSER LURVEY
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**9:00 a.m., #3 on docket:**

99-338 CA	Shelden vs Martin Memorial et al ( 5 days) JURY	UDELL/RICHARD BARTOLOMEI KING
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**9:00 a.m., #4 on docket:**

00-047 CA	Reiland vs Jaworski (3 days) JURY	PONSOLDT BELL
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**9:00 a.m., #5 on docket:**

98-488 CA	Marshall vs Gary et al (3 days) JURY	CARLSON CAPOBIANCO
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**9:00 a.m., #6 on docket:**

00-389 CA	Sheltra vs Martin County Fair Assn. (2 - 3 days) JURY	MATTHEWS CANNON
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**9:00 a.m., #7 on docket:**

00-660 CA	Robinson vs Wiener (2 ½ - 3 days) JURY	McHALE BOBKO
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**9:00 a.m., #8 on docket:**

00-808 CA	Fincel vs Mehl (4 days) JURY	KLAYMAN BROOKMYER
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**9:00 a.m., #9 on docket:**

00-852 CA	Kertesz vs Menzel et al (3 days) JURY	SORENSEN RUTLEDGE
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**9:00 a.m., #10 on docket:**

00-868 CA	Gigante vs Martin County School Bd. (4 days) JURY	CRARY HAYSKAR
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**Tuesday, November 27, 2001**

**9:30 a.m.:**

99-488 CA	Hanby vs McRoberts/Immesberger (4 days) NONJURY	WILKINS CRAFT GRAZI
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**Friday, November 30, 2001**

**9:00 a.m., #1 on docket:**

99-739 CA	Graziano vs Bruner (1 day) NONJURY	MADDEN LEVENSTEIN
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**9:00 a.m., #2 on docket:**

00-506 CA	Klosset vs Martin County (1 day) NONJURY	GWYNN RODRIGUEZ STOREY
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**Monday, December 3, 2001\***

**9:00 a.m., #1 on docket:**

97-091 CA	Orvis vs Caulkins et al (5 - 7 days) JURY	SCAROLA DIKEMAN
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**9:00 a.m., #2 on docket:**

00-857 CA	Parker vs Centex Homes (4 ½ - 5 days) JURY	CONWAY GARCIA
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**9:00 a.m., #3 on docket:**

01-011 CA	Robertson vs Neveux et al (4 - 5 days) JURY	ROWARS MORTELL CUSTER
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**9:00 a.m., #4 on docket:**

99-019 CA	Alibrandi vs Bayles (5 - 6 ½ days) JURY	DAVID BRODIE / MAIN D'AMBROSIO GRAZI / RUTLAND O'GRADY, pro se
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**9:00 a.m., #5 on docket:**

99-139 CA	Bagley vs Boland et al (6 - 7 days) JURY	ALI COOKE HUNTER
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**9:00 a.m., #6 on docket: (if not heard 10/15)**

00-737 CA	Levine vs E. Fla. Eye Institute (3 - 4 days) NONJURY	LOREN GRAZI
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**Friday, December 7, 2001**

**9:00 a.m., #1 on docket: (if not heard 10/17)**

00-193 CA	Balady Intl. Vs Diamond Embroidery (1 day) NONJURY	COPELAND GIANINO
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**9:00 a.m., #2 on docket:**

00-426 CA

Reardon vs First National et al  
(½ day) NONJURY

STEGER  
HENNESSEY

**Monday, December 10, 2001**

**#1: Possible carryover from last week: Orvis vs Caulkins. If not:**

**9:00 a.m., #1 on docket: (also on 12/3 NonJury Docket)**

00-842 CA

Martin Memorial vs Schwartz, as PR  
(½ + day) NONJURY

PERRY  
ELDER  
BLUMENKOPF

**9:00 a.m., #2 on docket:**

00-906 CA

Como Oil vs Mancil's Tractor Services  
(½ day) NONJURY

McINTYRE  
ELDER

**Monday, December 17, 2001**

**9:00 a.m.:**

99-040 CA

Cardinal Roofing vs Sierra Condominium  
(3 days) NONJURY

KOEBE  
GRAZI

**Tuesday, December 18, 2001**

**9:00 a.m.: (if not heard 11/27)**

99-488 CA

Hanby vs McRoberts/Immesberger  
(4 days) NONJURY

WILKINS  
CRAFT  
GRAZI

**Wednesday, December 19, 2001**

**9:00 a.m.:**

01-006 CA

Kimco vs Queen Enterprises et al  
(½ day) NONJURY

SCHATTNER  
MADDEN

**Thursday, December 20, 2001**

**9:30 a.m.:**

00-359 CA

City of Stuart vs Leonard et al  
(1 day) NONJURY

RUTLAND  
BEATTY

**Wednesday, December 26, 2001**

**10:00 a.m.:**  
00-443 CA

**Bates vs Kruger**  
(2 days) NONJURY

**RUBIN**  
**GITLEN**

**Thursday, December 27, 2001**

**9:30 a.m.:**  
00-757 CA

**Zayas vs Martin Magnetic**  
(1 day) NONJURY

**MATTHEWS**  
**COHEN**

**Monday, December 31, 2001**

**9:00 a.m.:**  
00-656 CA

**Clarke vs C.S.E. Paving**  
(1 day) NONJURY

**FLECK**  
**CASCIO**

**Wednesday, January 2, 2002**

**9:30 a.m.:**  
98-818 CA  
98-819 CA

**Combs vs Odyssey**  
**Ahern vs Odyssey**  
(2 - 5 days, dependent on pre-trial conference)

**MORTELL**  
**MEYERS**

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR MARTIN COUNTY, FLORIDA

MAHLON G. WEAVER and  
ESTHER N. WEAVER,

Plaintiffs,

vs.

JIM W. JONES and BONITA  
L. JONES,

Defendants.

CASE NO.: 00-497-CA  
JUDGE: Bryan

FILED FOR RECORD  
MARTIN CO., FL  
2001 MAY 16 PM 12:33  
MAHLON G. WEAVER  
CLERK OF CIRCUIT COURT  
BY \_\_\_\_\_ D.C.

ORDER RESETTING TRIAL DATE

THIS CAUSE came before the Court on Plaintiff's Motion to Reschedule or for Continuance of the trial date set of July 2 and 3, 2001, in this case and the Court having reviewed the pleadings and being fully advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. The trial in this cause presently scheduled on July 2 and 3, 2001 is continued.
2. The trial has been rescheduled to 48 Notice, 2001 at \_\_\_\_\_. m.
3. by mail trial by Aug 20 - check by Aug 20

DONE AND ORDERED in Chambers at Stuart, Martin County, Florida this 16 day  
of May, 2001.

  
Ben L. Bryan, Jr.  
Circuit Court Judge

Copies furnished to:

Leif J. Grazi, Esq., P. O. Drawer 2846, Stuart, FL 34995

Joseph L. Mannikko, Esq., 870 SW Martin Downs Boulevard, Suite 1, Palm City, FL 34990



## **EXHIBIT B**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6022-CIV-LENARD

HENRY NARANJO and MARLENE  
RAMIREZ,

Plaintiff,

**RENOTICE**

(Cancelling October 16, 2001)

vs.

STEPHEN BYRON SMITH,

Defendant.

TAKE NOTICE that a proceeding in this case has been reset for the place, date, and  
time set forth below:

United States District Court  
Southern District of Florida  
300 N.E. First Avenue, Room 130  
Miami, Florida 33132

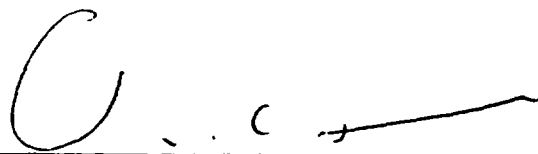
**Courtroom X**

October 18, 2001 at 2:00 p.m.

Settlement conference.

9/26/2001

Date



William C. Turnoff  
United States Magistrate Judge

cc: Honorable Joan A. Lenard  
F. David Underwood, Esquire  
Manuel Valdes, Esquire  
John D. Kallen, Esquire  
Shawn B. McKamey, Esquire